

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SARAH M. KAVIANPOUR, MD,

Plaintiff,

v.

BOARD OF REGENTS OF THE
UNIVERSITY SYSTEM OF
GEORGIA D/B/A AUGUSTA
UNIVERSITY, ET AL.,

Defendants.

Civil Action File No.:
1:20-cv-00152-MLB-RGV

**AU MEDICAL CENTER, INC.’S DEFENSES AND ANSWER TO
PLAINTIFF SARAH M. KAVIANPOUR’S AMENDED COMPLAINT**

COME NOW Defendant AU Medical Center, Inc. (“AUMC”) and hereby submits its Defenses and Answer to Plaintiff Sarah Kavianpour’s (“Plaintiff”) Amended Complaint (“Complaint”), respectfully showing the Court as follows:

DEFENSES

FIRST DEFENSE

Plaintiff’s claims are barred to the extent such claims were not raised within the applicable statute of limitations.

SECOND DEFENSE

AUMC did not take any action against Plaintiff for any illegal, discriminatory, or retaliatory reason, and any actions taken were taken for legitimate reasons in the interest of patient safety.

THIRD DEFENSE

AUMC is a private, not for profit, entity, and the actions of individual defendants acting on behalf of a state entity cannot be imputed to the AUMC.

FOURTH DEFENSE

AUMC is not Plaintiff's employer, as defined by the ADA.

FIFTH DEFENSE

AUMC is not a public entity as defined by Title II of the ADA.

SIXTH DEFENSE

Plaintiff's claims under the ADA and Rehabilitation Act must be dismissed because Plaintiff has not made a prima facie case showing a violation of the ADA or Rehabilitation Act including that (1) Plaintiff was not a qualified individual, (2) Plaintiff's requested accommodations were not reasonable, (3) Plaintiff could not perform the essential functions of her job under her requested accommodations, and (4) Plaintiff's requested accommodations caused undue hardship.

SEVENTH DEFENSE

Routine drug testing practices and policies, based on a particular concern or suspicion after Plaintiff tested positive for drugs, were not a violation of the ADA or the Rehabilitation Act.

EIGHTH DEFENSE

Plaintiff did not suffer any “adverse action” under the ADA or Rehabilitation Act.

NINTH DEFENSE

Suspicion-based drug testing of medical residents and physicians, or other drug testing of residents and physicians, is not a constitutional violation or unwarranted “search and seizure.”

TENTH DEFENSE

Plaintiff’s claims as to AUMC related to bad faith, intent, or similar claims lack merit.

ELEVENTH DEFENSE

Responding to the specific, numbered paragraphs of Plaintiff’s Complaint, AUMC Defendants show as follows:

AUMC makes the following admissions and denials only on behalf of itself. To the extent that any allegation is made against AUMC in concert with any other party, all responses herein admit or deny such allegation only with respect to AUMC.

As to any other party, AUMC lacks knowledge or information sufficient to respond to such allegation.

1. AUMC admits that Plaintiff was a resident physician at the Medical College of Georgia. AUMC denies as stated the remaining allegations contained in Paragraph 1 of the Complaint.

2. AUMC admits that Augusta University is a member institution of the University System of Georgia. AUMC lacks knowledge or information sufficient to respond to the remaining allegations in Paragraph 2, and therefore denies same.

3. AUMC denies the allegations contained in Paragraph 3 of the Complaint as stated.

4. In response to the allegations in Paragraph 4 of the Complaint, AUMC admits that it is not a for-profit corporation. Answering further, AUMC states that the referenced documents speak for themselves, however to the extent inconsistent therewith AUMC denies the allegations contained in Paragraph 4 as stated.

5. AUMC admits that Dr. Coule is AUMC's Chief Medical Officer. AUMC denies the remaining allegations contained in Paragraph 5 as they relate to AUMC and lacks information or knowledge sufficient to respond as related to all other defendants.

6. AUMC denies the allegations contained in Paragraph 6 as they relate to AUMC and lacks information or knowledge sufficient to respond as related to all other defendants.

7. AUMC denies the allegations contained in Paragraph 7 of the Complaint.

8. AUMC denies the allegations contained in Paragraph 8 as stated and as they relate to AUMC. As they relate to any other party, AUMC lacks information or knowledge sufficient to respond to the remaining allegations and therefore denies same.

9. AUMC denies the allegations contained in Paragraph 9 as stated and as they relate to AUMC. As they relate to any other party, AUMC lacks information or knowledge sufficient to admit or deny such allegations and therefore denies same.

10. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10 of the Complaint, and therefore denies same.

11. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11 of the Complaint, and therefore denies same.

12. AUMC admits to this Court's jurisdiction over all remaining counts.

13. AUMC denies the allegation contained in Paragraph 13 of the Complaint.

14. AUMC denies the allegations contained in Paragraph 14 of the Complaint.

15. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 15 of the Complaint, and therefore denies same.

16. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 16 of the Complaint, and therefore denies same.

17. AUMC admits to Paragraph 17.

18. AUMC admits to Paragraph 18.

19. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 19 of the Complaint, and therefore denies same.

20. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 20 of the Complaint, and therefore denies same.

21. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 21 of the Complaint, and therefore denies same.

22. AUMC denies the allegations contained in Paragraph 22 of the Complaint as stated.

23. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 23 of the Complaint, and therefore denies same.

24. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 24 of the Complaint, and therefore denies same.

25. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 25 of the Complaint, and therefore denies same.

26. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 26 of the Complaint, and therefore denies same.

27. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 27 of the Complaint, and therefore denies same.

28. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 28 of the Complaint, and therefore denies same.

29. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 29 of the Complaint, and therefore denies same.

30. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 30 of the Complaint, and therefore denies same.

31. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 31 of the Complaint, and therefore denies same.

32. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 32 of the Complaint, and therefore denies same.

33. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 33 of the Complaint, and therefore denies same.

34. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 34 of the Complaint, and therefore denies same.

35. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 35 of the Complaint, and therefore denies same.

36. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 36 of the Complaint, and therefore denies same.

37. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 37 of the Complaint, and therefore denies same.

38. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 38 of the Complaint, and therefore denies same.

39. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 39 of the Complaint, and therefore denies same.

40. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 40 of the Complaint, and therefore denies same.

41. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 41 of the Complaint, and therefore denies same.

42. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 42 of the Complaint, and therefore denies same.

43. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 43 of the Complaint, and therefore denies same.

44. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 44 of the Complaint, and therefore denies same.

45. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 45 of the Complaint, and therefore denies same.

46. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 46 of the Complaint, and therefore denies same.

47. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 47 of the Complaint, and therefore denies same.

48. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 48 of the Complaint, and therefore denies same.

49. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 49 of the Complaint, and therefore denies same.

50. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 50 of the Complaint, and therefore denies same.

51. AUMC denies the allegations contained in Paragraph 51 of the Complaint.

52. AUMC denies the allegations contained in Paragraph 52 of the Complaint.

53. AUMC denies the allegations contained in Paragraph 53 of the Complaint.

54. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 54 of the Complaint, and therefore denies same.

55. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 55 of the Complaint, and therefore denies same.

56. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 56 of the Complaint, and therefore denies same.

57. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 57 of the Complaint, and therefore denies same.

58. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 58 of the Complaint, and therefore denies same.

59. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 59 of the Complaint, and therefore denies same.

60. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 60 of the Complaint, and therefore denies same.

61. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 61 of the Complaint, and therefore denies same.

62. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 62 of the Complaint, and therefore denies same.

63. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 63 of the Complaint, and therefore denies same.

64. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 64 of the Complaint, and therefore denies same.

65. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 65 of the Complaint, and therefore denies same.

66. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 66 of the Complaint, and therefore denies same.

67. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 67 of the Complaint, and therefore denies same.

68. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 68 of the Complaint, and therefore denies same.

69. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 69 of the Complaint, and therefore denies same.

70. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 70 of the Complaint, and therefore denies same.

71. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 71 of the Complaint, and therefore denies same.

72. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 72 of the Complaint, and therefore denies same.

73. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 73 of the Complaint, and therefore denies same.

74. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 74 of the Complaint, and therefore denies same.

75. AUMC denies the allegations contained in Paragraph 75 to the extent related to AUMC. AUMC lacks information or knowledge sufficient to respond as to all other defendants.

76. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 76 of the Complaint, and therefore denies same.

77. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 77 of the Complaint, and therefore denies same.

78. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 78 of the Complaint, and therefore denies same.

79. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 79 of the Complaint, and therefore denies same.

80. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 80 of the Complaint, and therefore denies same.

81. AUMC admits that Phillip Coule received a letter from Deborah Arnold dated February 21, 2019. AUMC lacks information or knowledge sufficient to otherwise respond and therefore denies Paragraph 81 in all other respects.

82. AUMC denies the allegations contained in Paragraph 82 to the extent related to AUMC. AUMC lacks information or knowledge sufficient to respond as to all other defendants.

83. AUMC admits that Dr. Coule suspended Plaintiff from clinical activity at AUMC but denies Paragraph 83 in all other respects.

84. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 84 of the Complaint, and therefore denies same.

85. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 85 of the Complaint, and therefore denies same.

86. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 86 of the Complaint, and therefore denies same.

87. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 87 of the Complaint, and therefore denies same.

88. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 88 of the Complaint, and therefore denies same.

89. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 89 of the Complaint, and therefore denies same.

90. AUMC admits that Phillip Coule received or was copied on several emails from Plaintiff and that all such documents speak for themselves as to their content. AUMC denies Paragraph 90 in all other respects.

91. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 91 of the Complaint, and therefore denies same.

92. AUMC admits that Phillip Coule received or was copied on several emails from Plaintiff and that all such documents speak for themselves as to their content. AUMC denies Paragraph 92 in all other respects.

93. AUMC admits that Phillip Coule received or was copied on several emails from Plaintiff and that all such documents speak for themselves as to their content. AUMC denies Paragraph 93 in all other respects.

94. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 94 of the Complaint, and therefore denies same.

95. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 95 of the Complaint, and therefore denies same.

96. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 96 of the Complaint, and therefore denies same.

97. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 97 of the Complaint, and therefore denies same.

98. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 98 of the Complaint, and therefore denies same.

99. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 99 of the Complaint, and therefore denies same.

100. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 100 of the Complaint, and therefore denies same.

101. AUMC admits that Dr. Coule spoke at Plaintiff's grievance hearing. AUMC denies Paragraph 101 in all other respects related to the characterization of Dr. Coule's testimony.

102. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 102 of the Complaint, and therefore denies same.

103. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 103 of the Complaint, and therefore denies same.

104. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 104 of the Complaint, and therefore denies same.

105. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 105 of the Complaint, and therefore denies same.

106. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 106 of the Complaint, and therefore denies same.

107. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 107 of the Complaint, and therefore denies same.

108. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 108 of the Complaint, and therefore denies same.

109. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 109 of the Complaint, and therefore denies same.

110. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 110 of the Complaint, and therefore denies same.

111. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 111 of the Complaint, and therefore denies same.

112. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 112 of the Complaint, and therefore denies same.

113. AUMC admits only that Mr. Lott met with Mr. Speese and one or representatives of Augusta University, with Mr. Speese participating by phone in the referenced meeting. AUMC denies Paragraph 113 in all other respects, including the categorization of the meeting, further stating that Mr. Speese is legal counsel for AUMC, not for the Board of Regents.

114. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 114 of the Complaint, and therefore denies same.

115. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 115 of the Complaint, and therefore denies same.

116. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 116 of the Complaint, and therefore denies same.

117. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 117 of the Complaint, and therefore denies same.

118. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 118 of the Complaint, and therefore denies same.

119. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 119 of the Complaint, and therefore denies same.

120. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 120 of the Complaint, and therefore denies same.

121. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 121 of the Complaint, and therefore denies same.

122. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 122 of the Complaint, and therefore denies same.

123. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 123 of the Complaint, and therefore denies same.

124. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 124 of the Complaint, and therefore denies same.

125. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 125 of the Complaint, and therefore denies same.

126. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 126 of the Complaint, and therefore denies same.

127. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 127 of the Complaint, and therefore denies same.

128. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 128 of the Complaint, and therefore denies same.

129. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 129 of the Complaint, and therefore denies same.

130. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 130 of the Complaint, and therefore denies same.

131. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 131 of the Complaint, and therefore denies same.

132. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 132 of the Complaint, and therefore denies same.

133. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 133 of the Complaint, and therefore denies same.

134. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 134 of the Complaint, and therefore denies same.

135. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 135 of the Complaint, and therefore denies same.

136. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 136 of the Complaint, and therefore denies same.

137. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 137 of the Complaint, and therefore denies same.

138. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 138 of the Complaint, and therefore denies same.

139. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 139 of the Complaint, and therefore denies same.

140. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 140 of the Complaint, and therefore denies same.

141. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 141 of the Complaint, and therefore denies same.

142. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 142 of the Complaint, and therefore denies same.

143. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 143 of the Complaint, and therefore denies same.

144. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 144 of the Complaint, and therefore denies same.

145. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 145 of the Complaint, and therefore denies same.

146. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 146 of the Complaint, and therefore denies same.

147. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 147 of the Complaint, and therefore denies same.

148. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 148 of the Complaint, and therefore denies same.

149. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 149 of the Complaint, and therefore denies same.

150. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 150 of the Complaint, and therefore denies same.

151. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 151 of the Complaint, and therefore denies same.

152. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 152 of the Complaint, and therefore denies same.

153. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 153 of the Complaint, and therefore denies same.

154. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 154 of the Complaint, and therefore denies same.

155. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 155 of the Complaint, and therefore denies same.

156. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 156 of the Complaint, and therefore denies same.

157. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 157 of the Complaint, and therefore denies same.

158. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 158 of the Complaint, and therefore denies same.

159. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 159 of the Complaint, and therefore denies same.

160. AUMC denies Paragraph 160 of the Complaint as stated.

161. AUMC denies Paragraph 161 of the Complaint as stated.

162. AUMC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 162 of the Complaint, and therefore denies same.

163. AUMC denies the allegations contained in Paragraph 163 to the extent related to AUMC. AUMC lacks information or knowledge sufficient to respond as to all other defendants and therefore denies same.

164. AUMC denies the allegations contained in Paragraph 164 to the extent related to AUMC. AUMC lacks information or knowledge sufficient to respond as to all other defendants and therefore denies same.

165. AUMC denies the allegations contained in Paragraph 165 to the extent related to AUMC. AUMC lacks information or knowledge sufficient to respond as to all other defendants and therefore denies same.

COUNT I

Count 1 was dismissed by this Court as to AUMC. To the extent not dismissed, AUMC denies Paragraphs 166-182 of the Complaint.

COUNT II

Count II was dismissed by this Court as to AUMC. To the extent not dismissed, AUMC denies Paragraphs 183-191 of the Complaint.

COUNT III

Count III was dismissed by this Court as to AUMC. To the extent not dismissed, AUMC denies Paragraphs 192-196 of the Complaint.

COUNT IV

Count IV was dismissed by this Court as to AUMC. To the extent not dismissed, AUMC denies Paragraphs 197-201 of the Complaint.

COUNT V

Count V was dismissed by this court. To the extent not dismissed, AUMC denies Paragraphs 202-213 of the Complaint.

COUNT VI

Count VI was dismissed by this Court. To the extent not dismissed, AUMC denies Paragraphs 214-220 of the Complaint.

COUNT VII

Count VII was dismissed by this Court. To the extent not dismissed, AUMC denies Paragraphs 221-228 of the Complaint.

COUNT VIII

229. AUMC reasserts and incorporates its responses to Paragraphs 1-5 of this Answer as if fully set forth herein.

230. AUMC denies the allegations in Paragraph 230 of the Complaint.

231. AUMC denies the allegations in Paragraph 231 of the Complaint.

232. AUMC denies the allegations in Paragraph 232 of the Complaint to the extent it is intended to be set forth against AUMC.

233. AUMC denies the allegations in Paragraph 233 of the Complaint.

234. AUMC denies the allegations in Paragraph 234 of the Complaint.

235. AUMC denies the allegations in Paragraph 235 of the Complaint.

236. AUMC denies the allegations in Paragraph 236 of the Complaint.

237. AUMC denies the allegations in Paragraph 237 of the Complaint.

COUNT IX

238. AUMC reincorporates its responses to Paragraphs 1-5 of this Answer as if fully set forth herein.

239. AUMC denies the allegations in Paragraph 239 of the Complaint.

240. AUMC denies the allegations in Paragraph 240 of the Complaint to the extent it is intended to be made against AUMC.

241. AUMC denies the allegations in Paragraph 241 of the Complaint.

242. AUMC denies the allegations in Paragraph 242 of the Complaint.

243. AUMC denies the allegations in Paragraph 243 of the Complaint.

244. AUMC denies the allegations in Paragraph 244 of the Complaint.

245. AUMC denies the allegations in Paragraph 245 of the Complaint.

246. AUMC denies the allegations in Paragraph 246 of the Complaint.

247. AUMC denies the allegations in Paragraph 247 of the Complaint.

COUNT X

248. AUMC reincorporates its responses to Paragraph 1-5 of this Answer as if fully restated herein.

249-256. AUMC denies the allegations in Paragraphs 249-256 of the Complaint.

COUNT XI

Count XI was dismissed by this Court. To the extent not dismissed, AUMC denies the allegations in Paragraphs 257-267 of the Complaint.

COUNT XII

268. AUMC restates its responses to Paragraphs 1-5 of this Answer as though fully restated herein.

269-276. AUMC denies the allegations in Paragraphs 269-276 of the Complaint.

COUNT XIII

Count XIII is not made against AUMC and was dismissed. To the extent it is intended to be made against AUMC or not dismissed, AUMC denies the allegations in Paragraphs 277-286 of the Complaint.

COUNT XIV

Count XIV was dismissed by this Court. To the extent not dismissed, AUMC denies the allegations contained in Paragraphs 287-297 of the Complaint.

COUNT XV

Count XV was dismissed by this Court. To the extent not dismissed, AUMC denies the allegations contained in Paragraphs 298-326 of the Complaint.

COUNT XVI

327-337. AUMC denies the allegations in Paragraphs 327-337 of the Complaint.

PRAYER FOR RELIEF

AUMC denies that Plaintiff is entitled to the relief sought in Paragraphs A-E of the Prayer for Relief.

AUMC further denies any allegation(s) in the Complaint not specifically admitted herein and denies that Plaintiff is entitled to relief under any theory of recovery.

Wherefore, AUMC requests as follows:

- (1) That the Complaint be dismissed in its entirety;
- (2) That judgment be entered in favor of AUMC and the remaining defendants;
- (3) That a jury be empaneled to hear any claims of Plaintiff that the Court does not dismiss;
- (4) That AUMC be awarded its reasonable attorneys' fees incurred in defending this action;
- (5) That all costs be taxed against Plaintiff; and
- (6) That this Court award AUMC such other and further relief as may be just and proper.

Respectfully submitted this 12th day of April, 2021.

MORRIS, MANNING & MARTIN, LLP

/s/ Robert C. Threlkeld

Robert C. Threlkeld

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Attorney for Defendant

Medical College of Georgia, Inc.

d/b/a AU Medical Center, Inc.

RULE 7.1D CERTIFICATE OF TYPE, FORMAT AND FONT SIZE

Pursuant to Local Rule 7.1D of the United States District Court for the Northern District of Georgia, the undersigned certifies that the foregoing submission to the Court was computer-processed, double-spaced between lines, and used Times New Roman font of 14-point size.

/s/ Robert C. Threlkeld

Robert C. Threlkeld

GA Bar No. 710760

MORRIS, MANNING & MARTIN, LLP

Attorney for Defendant

Medical College of Georgia, Inc.

d/b/a AU Medical Center, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the **AU MEDICAL CENTER, INC.’S
DEFENSES AND ANSWER TO PLAINTIFF SARAH M. KAVIANPOUR’S
AMENDED COMPLAINT** was sent by United States Mail and Electronic Mail to:

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This 12th day of April, 2021.

/s/ Robert C. Threlkeld
Robert C. Threlkeld